



UNITED STATES SENATOR ★ NORTH CAROLINA

RICHARD BURR

2000 West First Street ♦ Suite 508 ♦ Winston-Salem, NC 27104 ♦ Telephone (336) 631-5125 ♦ Fax (336) 725-4493

FACSIMILE TRANSMISSION

TO: Senate Liaison

ORGANIZATION/AGENCY: Environmental Protection Agency (202-501-1519)

DATE/TIME: 05/15/2017

SUBJECT: Issue with Water at Campground

NUMBER OF PAGES (including cover): 8

SENT BY:☐ David Helsley**Comments:**

Good afternoon.

Is there any additional information available regarding (b) (6) concerns?

Any information is greatly appreciated.

DAVID HELSLEY
CONSTITUENT ADVOCATE
SENATOR RICHARD BURR (NC)

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(b) (6)



January 21, 2017

Senator Richard Burr
225 Dirksen Senate Office Building
Washington D. C. 20510

Senator Burr:

First of all I would like to thank you for diligently working to help me with the water quality on my property at (b) (6)

However, the letter that you sent me from (b) (6) that is not correct. The water quality problem has never been with (b) (6) pond. Of course there would be no water quality violations from samples taken from the pond because there are no cows being watered from the pond.

The problem is the small branch that runs from the dam of the pond through about 200 feet of (b) (6) property then onto our property. This is where (b) (6) is letting his cows into the branch. And no, twelve cows would not reach the federally defined threshold of a CAFO if they were indeed being watered from the 3-acre pond, but I know that the twelve cows in confinement on this small stretch of the branch would be in violation if I could only get someone to listen to me. Senator Burr, the pictures I sent you should be proof of what I'm saying.

I have not been complaining about the water quality of the (b) (6) pond, it's the branch below the pond. The only complaint I've had about the pond is that since it is so large the small branch that feeds it cannot keep it full, so therefore the branch on my property dries up in the summer. Who wouldn't be upset about that!

Another point I'd like to make is that (b) (6) have not had their cows in the branch for the past three months, proving that they do not have to water their cows from the branch. I can promise you one thing though, as soon as it warms up and we have campers on site the cows will be let back into the branch, because that is what happened all last year.

Again, I want to make it clear that I am not trying to get anyone in trouble. I am only working to keep people, especially children who play in the contaminated branch on my property safe.

Senator Burr, I will send you more pictures this spring/summer if, and when the cows are allowed to get back in the branch. Hopefully, this vindictive game that the A(b)(6)'s have been playing is over and they won't let the cows back in the branch. I can only hope this will be the case because I am very tired of worrying about all of this. I am only trying to run a small business that allows people to camp, hike along the Mountains to Sea trail that runs through our property, and enjoy the beauty of nature.

Thank you again for your assistance with this matter. I have also mailed Ms. Toney a copy of this letter.

Sincerely,

(b)(6)

A large black rectangular redaction box covers the signature and the first few lines of the letter's body.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 20 2016

RECEIVED
U.S. Senate
JAN 14 2017
Richard Burr
Winston-Salem, NC

The Honorable Richard Burr
United States Senator
225 Dirksen Senate Office Building
Washington D.C. 20510

Dear Senator Burr:

Thank you for your October 27, 2016, fax to the U.S. Environmental Protection Agency on behalf of your constituent (b) (6) raised a number of issues including possible contamination to a small branch (creek) cause by a neighbor's construction of an in-stream pond, incorrect results from water quality testing conducted on the pond by Wilkes County Soil and Water Conservation and The North Carolina Department of Water Resources and a request for the EPA to inspect the pond for contamination. (b) (6) also noted that the pond was built in the stream to provide water for their neighbor's cows. Your request to identify whether these issues falls under the jurisdiction of the EPA has been forwarded to our office in Atlanta, Georgia, for response.

Under the Clean Water Act, the EPA may regulate an animal feeding operation when it meets the regulatory definition of a concentrated animal feeding operation (CAFO). Generally, CAFOs are regulated based upon the type and the number of animals that are in confinement. In this case, a small family farm with 12 cows does not reach the federally defined threshold of a CAFO, therefore, it is not subject to permitting requirements under our jurisdiction. Staff in our National Pollutant Discharge Elimination System Permitting and Enforcement Branch discussed this issue with Ms. Debra Watts, at the North Carolina Department of Environmental Quality (NC DEQ) and was informed that the Winston-Salem Regional Office did investigate the (b) (6) concerns, and in August 2016 took water samples that showed no water quality violations.

More information needs to be provided to determine if the construction of this pond would be exempt from the permitting requirements of the CWA under Section 404(f). Please have the (b) (6) contact Henry Wicker, Deputy Chief at the Wilmington District U.S. Army Corp of Engineers regarding questions about 404 exemptions. Mr. Wicker can be reached by telephone at (910) 251-28403, or by email at Henry.M.Wicker.JR@usace.army.mil.

We appreciate the (b) (6) interest in maintaining clean water in the Elkin watershed and The Big Elkin Creek and hope we have addressed their questions and concerns. If you have questions or need additional information from the EPA please contact me or Allison W. in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

Heather McTeer Toney
Regional Administrator



UNITED STATES SENATOR ★ NORTH CAROLINA

RICHARD BURR

2000 West First Street ♦ Suite 508 ♦ Winston Salem, NC 27104 ♦ Telephone (336) 631-5125 ♦ Fax (336) 725-4493

RECEIVED
JUL 26 2018
Richard Burr
Washington

PRIVACY ACT RELEASE FORM

The provisions of Public Law 93-579 (Privacy Act of 1974) prohibit the disclosure of information of a personal nature from the files of an individual without their expressed consent. Accordingly, I authorize Senator Richard Burr or any authorized member of his staff to access any and all of my records that relate to the problem stated below:

FEDERAL AGENCY OR DEPARTMENT: Please specify the name of the Federal Agency or Department involved in the space provided below:

Wilkes County Soil and Water Conservation, Michael Pardee
NC Department of Water Resources, Tom Boyd

PLEASE PRINT ALL INFORMATION CLEARLY: Circle Preferred Title: Mr. Ms. Mrs. Dr. Other:

(b) (6)

(b) (6)

Regarding the nature of the problem and the assistance needed from the office of Senator Richard Burr. Please include all medical conditions that are pertinent to your situation if you are requesting assistance with a disability claim. Please attach copies of any additional pertinent documents.

Please return form to:
Senator Richard Burr
217 Russell Senate Office Building
Washington, DC 20510
Fax: (336) 725-4493

For office use only

Office w/ jurisdiction: _____

Location of claim: _____

Date: _____

DH

Dear Senator Burr,

(b) (6)

local North Carolina

(b) (6)

(b) (6)

First I would like to thank you for taking the time to look into this very important matter.

I have a major problem that I need your help with. I have already been in touch with Wilkes County Soil and Water Conservation, Mike Pardue, and NC Department of Water Resources, Tom Boyd and can get no help from them. Let me explain. I filed a complaint against a neighbor, (b) (6)

(b) (6) cows to contaminate a small branch that flows through our newly constructed campground in (b) (6) Wilkes County.

Wilkes County and NC stated in an email to me on August 24, 2016 "that after reviewing the results of several tests that no water quality violations were present." This is an insult to my intelligence since I have numerous pictures of cows in the branch, and feces in the water everywhere. There is no way the water cannot be contaminated. I am including a couple of pictures, and I also have a video on my phone that shows the extent of the contamination as well.

I feel that (b) (6) was informed of when the tests would be done and therefore (b) (6) gated (b) (6) cows out of the branch well in advance of the tests so the water would be cleaner.

Let me explain further:

Last year my husband and I spent our retirement money and built a small

(b) (6)

(b) (6) which the state of NC is attempting to purchase from land owner, (b) (6). As we were cleaning up the property and getting ready to open our campground late summer of 2015 we noticed that a neighbor, (b) (6) was doing some fencing.

It seems that (b) (6) is very upset with us because several years ago we would not sell him a section of our property that joins him. (b) (6) is very mad that we built a campground on that property that (b) (6) wanted. I have no intention of selling the property that has been in my family for several generations.

(b) (6) fenced in the branch above and beside our property, the campground, and turned his cows into the branch contaminating it to sabotage our business, and risk the health of children that play in the branch.

We have approached (b) (6) several times trying to reason with (b) (6) that the feces from the cows is flowing right through our campground where little children play in the branch. (b) (6) has informed us every time that the water on

(b) (6)

We have tried every way to fix this problem, but (b) (6) I not get the cows out of the branch. (b) (6) has been watering these 12 or so cows from (b) (6) well for the last 11 years until we opened the campground. Now (b) (6) the safety and welfare of all those who share the contaminated water down stream from (b) (6)

Not only has (b) (6) turned (b) (6) cows into the branch (b) (6) has also damned the water up and made a watering hole for the cows right at the property line where our tent camping is located. The water flow was almost completely cut off when (b) (6) d this last June. I have pulled out one rock so some of the water can flow down to our property. This spot has become a slim pit, and haven for mosquitoes.

I would also like to know if his pond/lake up stream could be inspected? The water flow down the branch since (b) (6) and is nonexistent in dry weather, which never happened until the lake was built. (b) (6) has made the statement to some that (b) (6) used the overflow pipe after (b) (6) was made by county officials to adjust it down so the same amount of water going into the pond would come out of the pond. I have not said anything about this for years trying to keep peace between (b) (6) is doing now by contaminating the branch with no concern for public safety is totally unacceptable. I will not be a part of letting a child get sick because of cow feces coming down through our campground without doing everything I can to stop it.

Please help us resolve this situation (b) (6) contaminated branch flows into the source.

I realize that there is no law to prohibit farmers from watering their livestock out of creek water, but surely there is a law to protect the water where children play.

Thank you so much for your time, and any help you can give me would be greatly appreciated.

It is not my intent to get anyone in trouble, or cause trouble, I am just doing everything I possibly can to make sure no one gets sick from the water that is flowing through our property/campground.

Sincerely,

(b) (6)

(b) (6)

